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10/823,457	04/12/2004	Gordon R. Knight	08173-009005	5666
20985	7590	11/01/2007	EXAMINER	
FISH & RICHARDSON, PC			CHU, KIM KWOK	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/823,457

Applicant(s)

KNIGHT ET AL.

Examiner

Kim-Kwok CHU

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed on 8/15/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 and 12-17 is/are allowed.
- 6) ☒ Claim(s) 11 and 18-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 08/846,916.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Response to Remarks***

1. Applicant's Amendment and Remarks filed on August 15, 2007 have been fully considered.

With respect to Claims 1 and 2, Applicant does not agree that the prior art of Kulakowski's drive 20 as illustrated in Fig. 7 is the "carrier" means in his Claim 1 (page 7 of the Remarks, lines 8 and 9). Furthermore, Applicant states that Kulakowski's barcode as illustrated in Fig. 13 is not an electronic element and does not contain any electronic components (page 8 of the Remarks, lines 1-7). Accordingly, the rejection of Claims 1-10 and 12-17 are withdrawn.

However, the rejection of Claim 11 is maintained because the prior art of Kulakowski teaches a displayable means such as a bar code label where its displayable format is controlled by a user so that the label displays the contents of the disk in the cartridge.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless--  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.*

3. Claims 11, 18 and 19 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kulakowski et al. (U.S. Patent 5,303,214).

Kulakowski teaches a cartridge and carrier system of a disk having all of the elements and means as recited in claims 11, 18 and 19. For example, Kulakowski teaches the following:

(a) with respect to Claim 11, a disk 25 (Fig. 5, lines 4-15) having updatable information (file name) indicative of contents of data on the disk (Fig. 16; the disk inherently stores updatable information such as file names, date, and size); a cartridge 22 enclosing the disk 25 (Fig. 16), the cartridge 22 having a cartridge door 48 to permit access to the disk surface (Fig. 16; column 9, lines 13-15); a display 44 (Fig. 13) located in the cartridge 22 operable to display the data (Fig. 13; column 8, lines 61-68); and a user control for controlling which portion of the information is displayed (Fig. 13; bar code label is a controllable display that a user can selectively display the disk's contents such as file names, file dates and disk names etc.).

(b) with respect to Claim 18, the disk 25 is a first surface recording disk (Fig. 16).

(c) with respect to Claim 19, the disk 25 is a magneto-optical disk (Fig. 5, lines 4-15).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

5. Claim 20 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Kulakowski et al. (U.S. Patent 5,303,214). in view of Guerra (U.S. Patent 6,094,413).

Kulakowski teaches a cartridge and carrier system very similar to that of the present invention. However, Kulakowski does not teach that the optical disk inside the cartridge is an optical near-field recording disk.

Guerra teaches an optical near-field recording disk which is encoded by a cartridge 191 (Fig. 31; column 17, lines 33-67).

For protecting the surface of a recording medium, it would have been obvious to one of ordinary skill in the art to house Kulakowski's near-field optical storage medium in a cartridge similar to Guerra's, because the cartridge prevents the disk recording surface being damaged by dusts and scratches.

***Allowable Subject Matter***

6. Claims 1-10 and 12-17 are allowable over prior art.

7. The following is an Examiner's statement of reasons for the indication of allowable subject matter based on Applicant's Remarks filed on 8/15/2007:

As in claim 1, the prior art of record fails to teach or fairly suggest a system for data storage where a disk drive to receive a carrier and a cartridge. The cartridge encloses a disk capable of storing data and to have a cartridge door to permit access to a disk surface of the disk. The carrier structured to enclose the cartridge and have a carrier door to permit access to the cartridge, the carrier including an electronic element to have updatable information about contents of data in the disk enclosed in the cartridge, a display operable to display the updatable information and a user control to control which portion of the information is displayed.

As in claim 2, the prior art of record fails to teach or fairly suggest a system for data storage where a cartridge enclosing a recording medium. The cartridge having a cartridge door to permit access to the recording medium; and an electronic element in the cartridge having updatable information indicative of contents of data in the recording medium enclosed in the cartridge, a display located in the cartridge operable to display the data and a user control to control which portion of the information is displayed.

The features indicated above, in combination with the other elements of the claims, are not anticipated by, nor made obvious over, the prior art of record.

**8. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).**

**A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.**

9. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kim CHU whose telephone number is (571) 272-7585 between 9:30 am to 6:00 pm, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen, can be reached on (571) 272-7579.

The fax number for the organization where this application or proceeding is assigned is (571) 273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished application is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9191 (toll free).

Kim-Kwok CHU  
*Ke* 10/14/2007  
Examiner AU2627  
October 15, 2007

(571) 272-7585

*[Signature]*  
HOA T. NGUYEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600  
10/29/07